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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,028

04/08/2004

Lei Chen

ACMP0085USA

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02/22/2005

NORTH AMERICA INTERNATIONAL PATENT OFFICE (NAIPC)

P.O. BOX 506

MERRIFIELD, VA 22116

EXAMINER

MAYO III, WILLIAM H

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/709,028

Applicant(s)

CHEN, LEI

Examiner

William H. Mayo III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Asprey (Pat Num 5,299,306). Asprey discloses a cable (Figs 1-9) for coupling signals for a universal bus interface, such as between a computer and a keyboard or display device (Col 1, lines 19-28). Specifically, with respect to claim 1, Asprey discloses a cable (110) comprising a host connection end (left end attached to 30) on one end of the cable (110) comprising two power pins (40 attached to 136 & 138) and two signal pins (42 attached to 204v) for connecting to a USB port (43) of the computer (14), a data connection end (right end attached to 121) on the opposite end of the cable (110) comprising two signal pins (122 attached to 204v) connected to the two signal pins (42 attached to 204v) of the host connection (left end attached to 30) respectively for connecting the USB port (43) of the first peripheral device (160) and providing communication between the first peripheral device (160) and the computer (14) and at least one power connection end (right end attached to 121) installed on the same end of the cable (110) as the data connection end (right end attached to 121) comprising two power pins (not numbered but attached to output of switch 102) for connecting to a USC

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port (126) of a second peripheral device (170) and providing power to the second peripheral device (170, Col 4, lines 43-50). With respect to claim 6, Asprey discloses that the second peripheral device (418 as shown in Fig 6) may be selected as a charger (i.e. amplifier circuit of monitor). With respect to claim 7, Asprey discloses a data connection end (right end attached to 121) further comprising two power pins (122 connected to 136, 138) connected to two power pins (40 connected to 136, 138) of the host connection end (left end attached to 30) for providing power to the first peripheral device (160). With respect to claim 8, Asprey discloses that the first peripheral device (160) is a keyboard (Fig 1). With respect to claim 9, Asprey discloses a connection module (Fig 1) comprising a housing (30), a host connection portion (left end attached to 30) installed on the housing (30) comprising two power pins (40 attached to 136 & 138) and two signal pins (42 attached to 204v) for connecting to a computer (14), a data connection end (left end attached to 30) installed on the housing (30) comprising two signal pins (122 connected to hor, vert) connected to two signal pins (42 connected to hor, vert) of the host connection portion (left end attached to 30) for connecting to a first peripheral device (160) and providing communication between the first peripheral device (160) and the computer (14) and at least one power connection end (right end attached to 121) installed on the same end of the cable (110) as the data connection end (right end attached to 121) comprising two power pins (not numbered but attached to output of switch 102) for connecting to a USC port (126) of a second peripheral device (170) and providing power to the second peripheral device (170, Col 4, lines 43-50). With respect to claim 10, Asprey discloses a data connection end (right end

attached to 121) further comprising two power pins (122 connected to 136, 138) connected to two power pins (40 connected to 136, 138) of the host connection end (left end attached to 30) for providing power to the first peripheral device (160). With respect to claim 11, Asprey discloses that the first peripheral device (160) is a keyboard (Fig 1). With respect to claim 13, Asprey discloses that the second peripheral device (418 as shown in Fig 6) may be selected as a charger (i.e. amplifier circuit of monitor).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-5, 12, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asprey (Pat Num 5,299,306) in view of Applicant's Own Admission of

Prior Art (herein referred to as AOAPA). Asprey discloses a cable (Figs 1-9) for coupling signals for a universal bus interface, such as between a computer and a keyboard or display device (Col 1, lines 19-28) as disclosed above with reference to claims 1 & 9 respectively.

However, Asprey doesn't necessarily disclose the signal pins conforming to USB 1.1/2.0 standard (claims 2 & 14), nor the power pins conforming to USB 1.1/2.0 standard (claims 3 & 15), nor the materials of the cable conforming to USB 1.1/2.0 standard (claim 4), nor the first peripheral device being selected from a scanner, printer, or a modem (claims 5 & 12)

AOAPA teaches a known USB interface that is convenient and low cost (Paragraph 4, under heading Description of the Prior Art). Specifically, with respect to claims 2-4 & 14-15, AOAPA teaches a USB cable (Fig 1) comprising a host end and a peripheral end, wherein the cable (10) inherently has signal and power pins and cable materials that conform to USB 1.1/2.0 standard (AOAPA states the cable components are USB compliant and of the same structure as the connectors of the present invention, except that the cable is singular and doesn't contain spliced connectors). With respect to claims 5 and 12, AOAPA teaches that the known USB interface comprises a cable (10) that may be utilized to connect a plurality of peripheral devices such as scanners, modems, and printers (paragraph 4 of applicant specification).

With respect to claims 2-5, 12, and 14-15, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the cable of Asprey to conform to USB 1.1/2.0 standard configuration for connecting

scanner, modems and printers as taught by AOAPA because AOAPA teaches that such a configuration is known and commonly utilized in USB serial buses because the configuration is convenient and low cost (Paragraph 4, under heading Description of the Prior Art).

### ***Response to Arguments***

6. Applicant's arguments filed December 30, 2004 have been fully considered but they are not persuasive. Specifically, the applicant argues the following:

- A) Asprey cannot anticipate claims 1 & 9 because Asprey doesn't teach or suggest a two way data transfer, but rather only provides a one way data line and therefore the rejection should be withdrawn.
- B) Claims 7 & 10 require that both the power connection end/port and the data communication end/port be adapted to provide power and Asprey does not teach or suggest providing power to both the keyboard and the monitor and therefore the rejection should be withdrawn.

With respect to argument A, the examiner respectfully traverses. The applicant states that the terms "communication between" clearly implies that the data transfer is a two way data transfer, however the examiner respectfully disagrees. Specifically, it must be stated that the examiner is required to give the claims the broadest reasonable interpretation. Specifically, MPEP 2111 states:

During patent examination, the pending claims must be "given \*>their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).< Applicant always has the

opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Given this guideline, it is respectfully submitted that the term “communication between” implies that the data connection end provides communication between the first peripheral device and the computer only has to be a one-way communication and not a two way. Specifically, it is noted that the features upon which applicant relies (i.e., data transfer being a two way data transfer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Given the above comments, it is respectfully submitted that a one way data transfer from a data connection end, as shown by Asprey, provides communication (i.e. one way data transfer) between a first peripheral device and the computer and therefore the 35 USC rejection of claims 1 & 9 is proper and just.

With respect to argument B, the examiner respectfully traverses. It has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. *In re Hutchinson*, 69 USPQ 138. Specifically, as long as the prior art is capable of performing the function, the claimed limitation is met. In this case, not only is the power connection end/port and the data communication end/port capable of providing power, Asprey clearly suggest providing power to both the keyboard and the monitor as detailed above with respect to



claim 7 & 10. Therefore, the examiner respectfully submits that the 35 USC 102(b) rejection is proper and just.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Communication***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William H. Mayo III  
Primary Examiner  
Art Unit 2831

WHM III  
February 14, 2005